State Court Weighs CBS Request on King Death

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JACKSON, Tenn. (AP) — The Tennessee Court of Criminal Appeals heard arguments yesterday on whether CBS News should be permitted to examine evidence in the Martin Luther King assassination case.

Following testimony, the court took the case under advisement. The judges said an initial question they will have to decide is whether the matter is within their jurisdiction.

NEWSTON B. ALLEN, an attorney for the broadcasting company, told the court CBS was planning to produce a documentary program on the 1968 King assassination.

A Circuit Court judge in Memphis, William H. Williams, refused to grant the CBS petition in September although he indicated he would permit the examination after numerous appeals in the case had been exhausted.

James Earl Ray, who pleaded guilty to the King slaying and was sentenced to 99 years in the Tennessee prison, has filed an appeal seeking to invalidate his guilty plea and win a full trial on the charge.

IN RESPONSE to questioning by the court yesterday, Allen said CBS wants clearance to examine both the death bullet and a rifle found near the scene of the slaying.

Allen said CBS wants to subject the evidence to "scientific examination ... to determine if the murder bullet was fired from the weapon found at the scene of the crime."

Dist. Atty. Hugh Stanton is opposing the CBS petition. During a hearing before Williams in September, one of Stanton's assistants argued that exhibits in a criminal trial do not become part of the public record. CBS contends the evidence should be opened to the public.